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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,488	07/01/2003	John Slattebo		3326

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EXAMINER

WRIGHT, ANDREW D

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,488	Applicant(s) SLATTEBO, JOHN	
	Examiner Andrew Wright	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

2. Claims 1-3 are objected to.

3. Claim 1 recites the limitation "the main hull" in line 16. There is insufficient antecedent basis for this limitation in the claim. The first recitation of an element in the claims should be a positive recitation. Therefore, the recitation should be "a main hull" instead of "the main hull".

4. Claim 1 recites "a small outrigger hull, or ama," in line 17. The specification states that the outrigger hull and the ama are the same thing. The claims should only use one term to describe the element and use that same term consistently throughout. The use of alternative terms in the claims is narrative and should be avoided. Suggested wording is to use "outrigger hull" throughout the claims and delete all occurrences of "ama".

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5. Claim 1 recites "a curved spar or iako" in line 19. For the same reason as above (with respect to use of the term ama), the claim should be amended to use a single consistent term when referring to the same element.
6. Claim 2 has similar recitations of "ama" and "iako". It is suggested that these narrative extra terms be removed, and that single consistent terms be used throughout the claim.
7. Claim 3 has a similar recitation of "outrigger spar or iako". It is suggested that these narrative extra terms be removed, and that single consistent terms be used throughout the claim.
8. Claim 3 recites the term sidecar in quotation marks. The quotation marks should be removed.
9. Appropriate correction of all claim objections is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kissel et al. (US Des. 322,773) in view of Rypinski (US 5,582,126) and Dierking (schematic for the "T2" outrigger boat found at <http://homepages.paradise.net.nz/garyd/t2.html>, internet publication date verified by <http://www.archive.org> as at least as early as 2/10/01.)

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Kissel shows an outrigger canoe with fore and aft outrigger spars. Kissel does not show two fore and aft rails and webbing or fabric sling attached thereto. It is well known and common to affix a trampoline-type seat to outrigger spars. Rypinski shows an outrigger boat with a canvas trampoline-type seat between the outrigger spars (figure 2 and lines 13-16 of column 6). Rypinski does not show the specific attachment means for the seat. Dierking shows an outrigger boat with fore and aft rails running between the outrigger spars with the ends of the rails affixed to the spars. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kissel by adding a trampoline seat as taught by Rypinski and by reinforcing it with rails as shown by Dierking. The motivation would be to furnish a resting and operating area for the user and passengers.

Allowable Subject Matter

12. Claims 1 and 2 are allowed.

13. The following is an examiner's statement of reasons for allowance. The prior art shows outrigger boats with hydrofoils. The prior art does not teach or suggest the recited combination as a whole specifically comprising the telescoping handle, foil shape, and tubular shaft mounting means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Popkin shows an outrigger system with moveable hydrofoil. Nason shows an outrigger system with moveable hydrofoil. Mankawich show an outrigger system with hydrofoils. Jones shows a moveable hydrofoil. Smith shows an outrigger system with moveable hydrofoils. Kelley et al. shows a catamaran with substantially "L" shaped hydrofoils. Pyburn shows a trampoline between two hulls that is affixed to two fore and aft rails between outrigger spars. DuPont shows an outrigger with moveable hydrofoils. Ketterman shows an outrigger with "L" shaped hydrofoils. Eglais shows an outrigger system with hydrofoils. Ingraham shows a trampoline between two hulls that is affixed to two fore and aft rails between outrigger spars.

15. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

16. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon

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skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

17. If applicant chooses to continue prosecution alone, a proper response to an Office Action should include:

- a. Instruction to cancel or amend the rejected claims, or to substitute or add claims to be considered by this Office (all amendments must comply with 37 CFR 1.121 (available at the www.uspto.gov website)), or
- b. An argument under the heading "Remarks" in which Applicant points out wherein he may disagree with Examiner's contentions and wherein he also discusses the references applied against his claims, explaining how his claims avoid these references or distinguish from them in a patentable sense.

Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for

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official communications is 703-872-9306. The fax number for the examiner for unofficial communications is 703-746-3548.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1113.

Andrew D. Wright
Patent Examiner
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 4/15/04